

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Declaratory Ruling to Clarify	)	WT Docket No. 11-35
Provisions of Section 332(c)(3)(A) and to	)	
Declare that Connecticut's CPCN	)	
Requirement is Entry Regulation	)	

**JOINT REQUEST FOR EXTENSION OF COMMENT AND  
REPLY COMMENT DEADLINES**

The Connecticut Department of Public Utility Control ("DPUC") and CTIA – The Wireless Association® ("CTIA") (collectively, the "Parties") respectfully submit this joint request for a 60-day extension of the comment and reply comment deadlines in the above-captioned proceeding. Currently, comments are due April 11, 2011 and reply comments are due May 11, 2011.<sup>1</sup> The Parties hereby request that the FCC extend these deadlines to June 10, 2011 and July 11, 2011 respectively. As discussed below, the DPUC recently published draft changes to the requirements at issue in this matter. Therefore, a modest 60-day extension is in the public interest because it will allow commenters a meaningful period of time to review, analyze, and respond to any final actions the DPUC takes on the draft decision.

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<sup>1</sup> See *Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling Asking To Clarify the Scope of Section 332(c)(3)(A)*, 76 Fed Reg. 11,781 (Mar. 3, 2011); see also FCC, Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling Asking to Clarify the Scope of Section 332(c)(3)(A)*, DA 11-353 (Feb. 25, 2011).

On December 3, 2010, CTIA filed a petition for declaratory ruling asking the FCC to clarify “the scope of Section 332(c)(3)(A)’s ban on state and local entry regulation.”<sup>2</sup> The Petition states that the DPUC issued a decision on September 29, 2010, which “ordered that wireless providers must apply for and obtain a Certificate of Public Convenience and Necessity (‘CPCN’) from the DPUC before they can request permission to access public rights-of-way.”<sup>3</sup> The Petition, *inter alia*, “asks the FCC to declare that Connecticut’s CPCN requirement is a form of entry regulation that is prohibited by Section 332(c)(3)(A).”<sup>4</sup>

On January 16, 2011, the DPUC reopened its docket “for the limited purpose of reconsidering the requirement that CMRS providers obtain a CPCN before constructing facilities in the public rights of way.”<sup>5</sup> On January 26, 2011, the DPUC published a draft decision, which proposes to modify the conditions Connecticut imposes on a wireless provider’s ability to access the public rights-of-way.<sup>6</sup> Comments responding to the DPUC’s draft decision were due March 16, 2011.<sup>7</sup> The DPUC was expected to render a final decision on March 30, 2011; however, on

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<sup>2</sup> See *Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(3)(A) and to Declare that Connecticut’s CPCN Requirement is Entry Regulation*, WT Docket No. 11-35, Petition for Declaratory Ruling at i (Dec. 3, 2010) (the “Petition”).

<sup>3</sup> *Id.*

<sup>4</sup> See *id.*; see also 47 U.S.C. § 332(c)(3)(A).

<sup>5</sup> See *DPUC Investigation Into the Deployment of Distributed Antenna System (DAS) in The Public Rights Of Way in Connecticut – CPCN Requirement*, Docket No. 08-06-19RE01, Draft Decision at 1-2 (Conn. Dep’t of Pub. Util. Control, Jan. 26, 2011) (available at [http://www.dpuc.state.ct.us/dockcurr.nsf/4ef55dc080a9867885256afe0059f70f/b12b571a974f9bdf852578260059a467/\\$FILE/df080619re01.doc](http://www.dpuc.state.ct.us/dockcurr.nsf/4ef55dc080a9867885256afe0059f70f/b12b571a974f9bdf852578260059a467/$FILE/df080619re01.doc)).

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *DPUC Investigation Into the Deployment of Distributed Antenna System (DAS) in The Public Rights Of Way in Connecticut – CPCN Requirement*, Docket No. 08-06-19RE01, Notice of Rescheduled Written Exceptions, Briefs and Oral Arguments (Conn. Dep’t of Pub. Util. Control, Feb. 18, 2011) (available at [http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/b12b571a974f9bdf852578260059a467/\\$FILE/NOFRESCHWE&O.DOC](http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/b12b571a974f9bdf852578260059a467/$FILE/NOFRESCHWE&O.DOC)).

March 28, 2011, the DPUC granted Verizon Wireless's March 23, 2011 request to stay the issuance of a Final Decision in the above referenced proceeding.

The Parties recognize that the FCC does not routinely grant requests to extend filing deadlines.<sup>8</sup> At the same time, the FCC has previously determined that extensions are warranted when the extension is necessary to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a more complete record for the Commission's consideration.<sup>9</sup> Consistent with these precedents, a limited 60-day extension of the comment and reply comment deadlines is appropriate in this case. The extension will allow affected stakeholders a meaningful period of time to review, analyze, and respond to any final actions the DPUC takes on its draft decision with respect to the conditions

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<sup>8</sup> See 47 C.F.R. § 1.46(a).

<sup>9</sup> See, e.g., *Empowering Consumers to Avoid Bill Shock*, CG Docket No. 10-207, Order at ¶ 3, DA 10-2379 (CGB rel. Dec. 17, 2010) (recognizing that "the Commission has previously found that an extension of time is warranted when such an extension is necessary to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a complete record for the Commission's consideration"); *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Order at ¶ 3, DA 10-2267 (PSHSB rel. Dec. 1, 2010) (granting an extension "to ensure that all interested parties have the time necessary to prepare full and informed comments and reply comments"); *Twenty-One Day Extension of Time to File Reply Comments on Wireless Innovation and Investment Notice of Inquiry*, Public Notice, 24 FCC Rcd 12579, 12579-80 (WTB and OET 2009) (finding that granting a limited extension serves the public interest because it "would be beneficial to the development of a complete record on the issues"); *Wireless Telecommunications Bureau Grants Extension of Time to File Reply Comments on Commercial Mobile Radio Services Market Competition*, Public Notice, 24 FCC Rcd 8490, 8490 (WTB 2009) (same); *Media Bureau Grants Extension of Time to File Comments and Reply Comments in Response to Broadcast Localism Notice of Proposed Rulemaking*, Public Notice, 23 FCC Rcd 3741, 3742 (MB 2008) ("we agree that an extension of the comment and reply comment period is warranted to enable commenters to adequately review, investigate, and comment on the specific issues raised in the *NPRM* and respond to the extensive comments filed in response thereto"); *Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, Order, 23 FCC Rcd 10527, 10528-29 (¶ 4) (WTB 2008); *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, Order, 20 FCC Rcd 19868, 19868-69 (¶ 3) (WTB 2005); *Elimination of Rate-of-Return Regulation of Incumbent Local Exchange Carriers, Federal-State Joint Board on Universal Service*, Order, 18 FCC Rcd 26307, 26307 (¶ 2) (WCB 2003).

Connecticut imposes on the ability of wireless providers to access the public rights-of-way. No entities will be prejudiced by a 60-day extension.

For the foregoing reasons, the Parties jointly request that the FCC extend the comment deadline from April 11, 2011 to June 10, 2011 and extend the reply comment deadline from May 11, 2011 to July 11, 2011. Granting this request will help ensure a more thorough and meaningful record for the Commission and commenters to consider.

Respectfully submitted,

/s/   
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